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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,225	03/01/2002	Ajay Kumar	5681-12000	6931

7590

10/05/2005

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EXAMINER

REID, CHERYL M

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

10/087,225

Applicant(s)

KUMAR ET AL.

Examiner

Cheryl M. Reid

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/14/05</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-42 have been examined.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 10, 19, 27, and 35 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer et al (US 5884325) in view of Hertzog et al (US 20030069874).
4. In regards to claims 1, 10, 19, Bauer teaches of : a distributed store comprising a primary state of session data (fig 1, item 10/20a-23x), Examiner is interpreting "distributed store" as any computing element that has the capability to store data such as a client or server because this gives the broadest reasonable interpretation, wherein the primary state of the session data comprises a plurality of attributes (col 2, lines 15-17); a first one of the application servers comprising a client state of the session data (col 2, line 9), wherein the application server is configured to provide access to the client state of the session data to processes executing within the application server (col 1,

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lines 60-62); wherein the system is configured to: compare the client state to a benchmark of the client state to determine a subset of the attributes that have been modified in the client state (col 2, lines 13-15); and synchronize the primary state with the client state according to the subset of the attributes (col 2, lines 63-64). Bauer does not explicitly teach of a plurality of application servers. In an analogous art, Hertzog teaches on this aspect (Fig 1, item 16) wherein the server farm consists of a plurality of application servers such as item 40, and item 42. Examiner is interpreting "application server" as any server that is a server program on a computer in a distributed network that handles the business logic between users and backend business applications or databases (definition obtained from Microsoft Computer Dictionary). It would have been obvious to one of ordinary skill in the arts at the time of invention to incorporate the above teachings because the inventions are analogous art. One of ordinary skill in the arts at the time of invention would have been motivated for the reasons discussed by Hertzog (Paragraph [0004]).

5. In regards to claims 27 and 35 Bauer teaches of determining a subset of attributes in a client state of session data on a first application server that have been modified (col 2, lines 13-15), wherein the session data is accessible to one or more processes executing within the application server (col 1, lines 60-62); and synchronizing a primary state of session data on a distributed store with the client state according to the subset of the attributes (col 2, lines 63-64), wherein the primary state is accessible including the first application server (col 1, lines 66-67). Bauer does not explicitly teach of a plurality of application servers. In an analogous art, Hertzog teaches on this aspect

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(Fig 1, item 16) wherein the server farm consist of a plurality of application servers such as item 40, and item 42. Examiner is interpreting "application server" as any server that is a server program on a computer in a distributed network that handles the business logic between users and backend business applications or databases (definition obtained from Microsoft Computer Dictionary). It would have been obvious to one of ordinary skill in the arts at the time of invention to incorporate the above teachings because the inventions are analogous art. One of ordinary skill in the arts at the time of invention would have been motivated for the reasons discussed by Hertzog (Paragraph [0004]).

6. In regards to claims 2-9, 11-18, 20-26, 28-34, and 36-42, the rejection was set forth in the previous office action mailed on 4/05/05.

### ***Conclusion***

7. This action is non-final.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571 272 3903. The examiner can normally be reached on Mon- Fri (7-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmr

*Beatriz Prieto*  
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SENIOR EXAMINER